

REMARKS

Claims 1, 2 and 7-11 are currently pending.

In the Office Action dated October 10, 2007, the Examiner provisionally rejected various claims on the ground of non-statutory obviousness-type double patenting over co-pending and commonly assigned U.S. Patent Application Nos. 10/958,408, 10/517,865 and 10/554,918. The Examiner noted that the rejections could be overcome by timely filed and properly executed terminal disclaimers.

In response to the Examiner's provisional rejections, applicants provide:

(1) a Terminal Disclaimer Under 37 C.F.R. §1.321(c) to Obviate Double Patenting Rejection Over U.S. Patent Application No. 10/958,408, (2) a Terminal Disclaimer Under 37 C.F.R. §1.321(c) to Obviate Double Patenting Rejection Over U.S. Patent Application No. 10/517,865 and (3) a Terminal Disclaimer Under 37 C.F.R. §1.321(c) to Obviate Double Patenting Rejection Over U.S. Patent Application No. 10/554,918. Applicants respectfully request withdrawal of these rejections in view of the foregoing timely filed and properly executed terminal disclaimers.

The Examiner also rejected claims 1, 2 and 7-11 under 35 U.S.C. §102(e) as being anticipated by Sato et al., U.S. Patent No. 7,157,539 ("the Sato et al. '539 patent"). Applicants respectfully request that the Examiner withdraw this rejection in view of the pending application's effective priority date of July 3, 2002, which predates the April 24, 2003 effective priority date of the Sato '539 patent. Applicants provide herewith a sworn English translation of the priority base application (Japanese Patent Application No. 2002-195119) in support of its claim to the July 3, 2002 priority date in the pending application.

CONCLUSION

Based on the foregoing remarks and submissions, applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5077.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-5077.

Respectfully submitted,
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By: _____

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